

```

::
:: THE W5YI REPORT ::
::
:: D i t s & B i t s ::
::
:: Vol 11 #18 --- 09/15/89 ::
::
:: HamNet Electronic Edition ::
:: CompuServe's Ham/SWL Forum ::
::
:: .....

```

Up to the minute news from the worlds of amateur radio, personal computing and emerging electronics. While no guarantee is made, information is from sources we believe to be reliable. May be reproduced providing credit is given to The W5YI Report.

This HamNet Electronic Edition is a limited excerpt from the full published edition of The W5YI Report. Selected and prepared by Scott, W3VS.

Commercial redistribution of this copy is prohibited.

IMPORTANT Note: Some of the material included in The W5YI Report - Electronic Edition may not be suitable for transmission via Amateur Radio.

## In this issue:

- ARRL Files for Code-Free Ham Class

HamNet thanks Fred Maia, W5YI, for permission to excerpt this Electronic Edition of his W5YI Report. The full ten-page biweekly newsletter is available by mail for \$23 per year from Fred at Dept. C, PO Box 565101, Dallas, TX 75356-5101. Samples available for a 2 stamp large SASE.

.

Do you have Amateur Radio news to contribute to The W5YI Report? If so, please call (817) 461-6443 and leave a message on Fred's recorder!

.....

- o ARRL Files for Code-Free Ham Class!

-----

"The League has carefully researched and evaluated this subject. It is not one which yet enjoys universal acceptance in the amateur radio community. It is, however, one which the League now supports as beneficial to the future, short and long term, of the Amateur Radio Service. The only way the plan can fail is if the Amateur Service rejects the Communicator class licensees as full-fledged members. This the League firmly believes will not occur, as the Amateur Service has a tradition of mutual assistance, and guidance of newcomers by the more experienced members. Newcomers will strengthen the Service. Once and for all, those who have a true interest in becoming radio amateurs will have the opportunity to join, unfettered by unfounded perceptions about entry barriers. They will not only have the opportunity to become amateurs, but will also have a more favorable exposure to the benefits of having a personal, cognitive communications skill, which is shared worldwide in the Amateur Radio Service. The learning of Morse code should be viewed more as an opportunity than as a burden, or a hurdle over which they must jump." (Excerpt from ARRL Petition for Rulemaking)

As expected, the American Radio Relay League submitted a Petition for Rule Making to the Federal Communications Commission on August 31 seeking "Establishment of a Class of Amateur Radio Operator License Not Requiring a Demonstration of Proficiency in the International Morse Code."

The League proposed a new sixth class Communicator license offering specific, limited privileges on amateur frequencies above 220 MHz. There was no mention that these privileges would actually be above 222 MHz since the FCC reallocated 220-222 MHz to the Land Mobile Service.

The filing came a little more than a month after League officials, meeting at their July board meeting, voted to seek a ham class which did not require knowledge of Morse code. The vote was not overwhelming in favor of a code-free ham class. Nine directors were in favor; six opposed.

The Board not only considered the views of its members but also the recommendations of a special study committee which for months had gathered information on the subject and rendered a comprehensive report (See 4/15/89 W5YI Report). That Committee was comprised of representatives of the Amateur Radio industry, League elected representatives and individual amateurs. They reached four basic conclusions:

(1.) there is a perception that the code proficiency element of the

amateur entry level examination is a significant barrier;

(2.) ...the code proficiency requirement does not act as an appropriate filter to weed out undesirables;

(3.) ...there are many good reasons for maintaining code proficiency;

(4.) ...there is nothing antiquated or irrelevant about the code "but this is a matter that some individuals must learn for themselves, in order to appreciate the relevance."

The Board adopted a slightly more conservative proposal than the Committee recommended. The League said the changes reflected the input received from the amateur community. It appeared overall that the attitude of amateurs was significantly more favorable toward a codeless amateur license than in 1983.

The well researched and prepared petition was authored by League attorney Chris Imlay, N3AKD, and comprises some 25 typewritten pages. It also contained a very interesting history of the no-code ham movement in the United States.

#### The Communicator Class

The ARRL maintains that the Communicator class ticket is not an entry-level license in the same sense as the Novice class license. Earning the new codeless license would require the applicant to pass a written examination somewhat more comprehensive than the present Technician class theory examination, including some questions relating to Morse Code, but without a Morse receiving, sending or recognition requirement. The code questions would be on the tradition and utility of the Morse code.

Three accredited volunteer examiners from the VEC System would administer the examination, and upgrading to a Technician class of license similarly would involve taking a five-word-per-minute code examination similarly administered. "The need for absolute security, and the perception of the same, is critical not only to the success of the program in fact, but also to its acceptance among present licensed amateurs. The amateur community must be convinced that the new licensees obtain their licenses through a highly monitored, publicly administered examination program, in order that it avoid and be perceived to avoid, compromise. The license carries with it privileges not available to Novice licensees, and as such is properly included in the VEC program."

"There should be an upgrade path from the Communicator class of license to the present Technician license by way of a five-word-per-

minute Morse code examination element, administered through the established Volunteer Examiner system> The petition clearly states that all Communicator and Novice licensees would have to be retested under the VEC program at 5 WPM code before they could qualify for a Technician ticket.

"No credit for element 1(A) shall be afforded those seeking a Technician class operator license on or after the effective date of the Communicator class operator license by virtue of the possession of an unexpired license which incorporates that element." It will be interesting to see what Novice level and VEC System examiners think of that proposal.

ARRL said Communicator applicants would be required to pass the current 30 question Novice written test element 2 and a beefed up 30 question Technician element 3(A) written examination to obtain a Communicator license. The present element 3(A) contains 25 questions. The additional five questions would be on: Amateur digital communications techniques (3 questions) and two questions on the use and application of Morse code.

It is unclear if this would require increasing the nine examination topics to eleven to insure their inclusion in written tests or whether these questions could be added to the existing "operating procedures" and/or "signals and emissions" subelements. Specific questions merely added to existing subelement pools need not be asked in all examinations.

Communicator privileges would be all amateur frequencies and authorized modes above 220 MHz, at a maximum output power of 250 watts. "There is a perception that the VHF bands below 220 MHz are overcrowded, or are otherwise inappropriate for Communicator use. The League ascertained that there exists a great deal of acceptance of a code-less amateur license if the privileges were limited, as proposed, to frequencies above 220 MHz."

The ARRL also believes "...there should be a strong incentive (such as the attainment of 2 meter privileges) for codeless licensees to upgrade their license class." A Communicator licensee may not be a control operator of a repeater or auxiliary station. With respect to power levels, the League saw no need to permit the Communicator class licensee to operate at greater than 250 watts PEP output, given the frequency bands available. "...greater power can be reserved for higher-class licensees, so as to create the incentive to upgrade."

Call signs would be assigned from the Commission's Group D block; 2 prefix letters, one call sign region number and three suffix letters. "This is most important, as the goal of a codeless amateur license is

to bring such licensees into the 'mainstream' of the Amateur Radio Service, and to encourage them to upgrade their license class. It is thus important not to 'label' these licensees as distinct from other entry-level amateurs, or to attach a stigma to the license class."

The League acknowledged that adding a sixth amateur class to an already complex licensing structure adds somewhat to the burden of the volunteer examiner program, which has thus far performed extremely well. ARRL directors asked their officers to examine the amateur licensing structure as part of their long-range planning effort. Overall, it was determined that the advantages of implementing a new license class now - outweighs the disadvantages, taking into account the desire of many amateurs and prospective amateurs to open this additional gateway to amateur radio.

#### No-Code Background

The ARRL said the current resurgence in the debate about the creation of a codeless amateur license is interesting, given the fact that it is a subject that has been repeatedly considered over a span of years.

In 1974, in Docket 20282, the FCC considered the possibility of a codeless amateur license which the League indicated it could support. The "Basic Amateur" license class was to have included Novice theory and a "code recognition" but not a code text copying requirement. Five years later the FCC closed the matter without action stating they required current amateur thinking on the issue in a separate proceeding.

1978's Docket 78-250 proposed a new class of amateur operator license without a Morse code proficiency requirement which would be restricted to handicapped persons. It too was dropped when handicapped amateurs generally did not desire special treatment in the substance of amateur examinations. Rather, they merely asked that examiners take into account their specific needs in procedural aspects of examination administration. The FCC adopted this position and that policy continues to this day. (See 97.509)

Prior to the 1979 World Administrative Radio Conference, Article 41 of the international radio regulations did not require Morse code knowledge if the amateur operation was exclusively above 144 MHz. The ARRL said the United States WARC-79 delegation disregarded the recommendation of the FCC convened Advisory Committee for Amateur Radio (ACAR) and other public comments which suggested no changes to Article 41.

Surprisingly, the United States WARC delegation proposed to drop the

international requirement of Morse code proficiency for operation below 144 MHz in favor of a 'recommendation' that the various countries of the world have such a requirement. The U.S. proposal was defeated by the WARC conferees. The ITU Radio Regulations were ultimately changed, however, to require Morse code knowledge for amateur operation on frequencies below 30 MHz, instead of 144 MHz. Only the 50-54 MHz band was affected by the action.

The League said that event was received extremely negatively by the amateur radio community at a time when the FCC was actively considering a codeless amateur license in the United States. "...it is not surprising that there existed a strong distrust of the Commission on the subject."

The early 1983 release of Docket 83-28 coincided with fiscal and manpower problems at the FCC. The Commission's examination system "...was in great disrepute, and frankly in disarray," the ARRL said. Even so, the FCC proposed on its own initiative two codeless license alternatives: (1.) the elimination of the Morse code examination element from the Novice class license or (2.) the creation of an entirely new class of license involving a written examination aimed primarily at digital communication techniques.

Without referring to Dick Bash/KL7IHP by name, the ARRL discussed the negative aspects of "at least one firm" publishing study aids which included the exact questions contained in the FCC license exams. The perception was, according to the League, that the Morse code test was the only portion of the amateur radio examination that meant anything at all.

To solve the written examination problem, the Congress, in 1982, enacted Public Law 97-259 to allow the Commission to utilize volunteer examiners in the Amateur Service. The eventual result was a question pool system from which examiners would draw certain questions according to a formula to prepare their written examinations. To eliminate applicants from "shopping" for easier examinations, the VEC's ultimately agreed among themselves that they would all use exactly the same answers and multiple choice answer formats verbatim.

The ARRL said the volunteer examiner system was not yet in place in 1983 and "...it was not clear whether a private sector examination plan was feasible, much less sufficiently secure to prevent cheating." For this (and other) reasons, the amateur community thus rejected the Commission's 1983 codeless license proposal by a ratio of twenty to one. The Commission terminated the proceeding without action in December of 1983.

## Novice Enhancement

The League maintains the "enhanced" Novice class privileges have been a great success in terms of reducing attrition and encouraging upgrading. "What the increase in Novice privileges has not accomplished, however, is to increase significantly the overall rate of influx of new Novices in the Amateur Service. The relatively flat rate of increase in the number of new amateurs since the 1987 'Novice Enhancement' proceeding once again has fueled the debate about a codeless entry level amateur license. There is a desire among amateurs for growth in the Amateur Radio Service, and a desire to reveal to more people the benefits and opportunities of the Service."

The ARRL acknowledged the perception that the Morse code requirement is a barrier to amateur radio entry and creation of a codeless license might attract newcomers.

## Conclusion

The League believes "...provided that the Commission avoids the mistakes of administrations which have enacted unsuccessful codeless license classes, and follows the guidance of those which have enacted successful ones, the creation of a codeless amateur license should be successful here as well. The key ingredients seem to be a substantial written examination, significant incentives to upgrade, provisions for including codeless licensees in the on-air activities of other licensees and assimilating them into the mainstream of amateur radio."

ARRL "respectfully requests that the Commission at an early date, release a Notice of Proposed Rulemaking, proposing the creation of a Communicator class amateur operator license..."

## Now What Happens?

The ARRL no-code petition will be placed on official Public Notice - probably this coming week, along with 11 other related petitions that propose different types of no-code license or other changes in the licensing structure or operator privileges or regulations. (One fellow wanted to change code speeds).

Each will be assigned "RM" (Rule Making) serial numbers. These numbers are issued out of the (FCC) Office of the Secretary. The FCC has just received some additional no-code petitions and these will be considered to be comments on the existing petitions.

The Public Notice will begin a 30-day period during which time interested persons may file comments telling the FCC why they think

any or all of the petitions should or should not proceed to the rule making stage. The idea here is to enable the FCC to determine preliminary public reaction to the proposals. If there is vehement opposition the FCC could well decide that the proposal should not go forward. Similarly, if there are substantial expressions of support, the FCC will know that there is merit to the idea and will likely proceed.

Following this comment period there will be a short reply comment period in which people on each side of the issues can answer the points raised by their opponents. After this exchange of views, the FCC will decide whether to proceed to rule making.

It is important to note that if the petitions get RM numbers, it means that the FCC has made the preliminary decision to go forward. It has the power to dismiss the petitions out of hand and it will do so if it does not wish to proceed. So the assignment of an RM Number in and of itself represents a first positive step toward a no-code license.

The comments at the RM stage are NOT the place to get into a debate about the particulars of the proposals. The comments, either in favor or in opposition, need only manifest the ultimate position of the commenting person or group.

In other words, there will be time enough to argue about whether the no-code license should include privileges at 2 meters. The important thing is to let the FCC know one's position on the ultimate issue: whether you are in favor of some form of no-code license or not.

The preliminary round of comments at the RM stage is not just a formality. However, in view of the ARRL's filing, one has to believe that the matter will proceed to rulemaking. The ARRL does not file trifling petitions. Moreover, this matter is strictly internal to amateur radio, and on such matters the FCC pays great deference to the desires of the League. So if the ARRL wants a no-code license, it is likely to get it.

The Commission staff is supposed to take preliminary comments into account when deciding whether to grant the Notice of Proposed Rulemaking (NPRM) desired by the petitioner. Many petitions never receive RM numbers because they are judged to be repetitive, frivolous or otherwise not deserving of serious consideration. Most, but not all, of the petitions that do receive RM numbers will eventually make it to the NPRM stage.

The FCC's Personal Radio Branch has a small staff and budget for the large amount of work they have to do in researching petitions,



drafting rules, working on enforcement cases, monitoring the VEC program, ...and the like.

For this reason, Branch Chief John Johnston/W3BE told us informally that he thought amateurs ought to hold their comments until the NPRM stage: "We're not really looking for comments on these items. It would just slow things down to throw in comments at this phase. It would be better to wait until a NPRM to file comments. We still have a pile of other petitions to work on, some that people have been waiting a long time for. While we were working on the Part 97 rewrite, the hams kept on thinking of things to do."

Following the preliminary round of comments, the FCC will decide whether to proceed. The next thing that will come out will be either a Memorandum Opinion and Order, killing the proceeding (once the RM number is assigned, the FCC can no longer dismiss it out of hand; it must explain why it changed its mind); or a Notice of Proposed Rule Making (NPRM).

if the FCC issues the NPRM, it will represent the FCC's first cut at what the no-code rules and privileges look like. (The Commission could also issue a Notice of Inquiry which seeks more information, but this path of action is extremely doubtful).

The NPRM will be a distillation of all of the suggestions contained in the various petitions, plus anything useful that might have been said in comments. This is where the heavy analysis comes in. This is where the particulars are hammered out: what bands; what privileges; ...what testing requirements. We expect a Notice of Proposed Rulemaking will consolidate some or all of the petitions within the next six months - although it could happen by Christmas. In other words, the FCC will not release 12 different no-code NPRM's. Instead, a single no-code NPRM will emerge, possibly accompanied by NPRMs dealing with rules other than the Morse code requirement. This scenario is only speculation on our part. FCC staff are keeping their plans confidential.

In any event, don't expect fast final action by the Commission. Rule making takes time. Even if this matter is put on a fast track for decision, a no-code license is probably still a year off.

[End this issue]